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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,243	09/28/2005	Jose Sevilleja Perez	60469-232; OT-5042 LAB	4272
26096	7590	10/12/2006		
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER KRUER, STEFAN	
			ART UNIT 3654	PAPER NUMBER

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/551,243	Applicant(s) PEREZ, JOSE SEVILLEJA	
	Examiner Stefan Krueer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 19 is/are pending in the application.
- 4a) Of the above claim(s) 10 - 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>28 September 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 10 - 19 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11 September 2006.

In response, there is no basis for the arguments that an examination and citation of prior art, whereby the claims are deemed unpatentable, must precede a restriction.

Furthermore, the "...application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept..." whereby "...the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group ... specifically describing the unique special technical feature in each group. Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims.... even where the features of any dependent claim could be considered as constituting in themselves an invention".

Therefore, the requirement for restriction of 10 August 2006 was executed in accordance with rules governing restriction practice in part as noted above.

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harwood et al (3,329,240).

Harwood et al disclose a system comprising:

- At least one guide rail (10, Fig. 1),
- A cab (39) that is adapted to move along the guide rail;
- A guiding device (including 14 and 29) associated with the cab and including a plurality of rollers (18, 19, 23) that are resiliently urged into contact with the guide rail, the guiding device automatically positioning the cab relative to the guide rail;
- Wherein the rollers remain a fixed distance from each other;
- Wherein the guiding device includes a roller mount (14) that supports the plurality of rollers such that the roller remain a fixed distance from each other along the mount;
- Wherein the guiding device includes a base (35, 36) and the roller mount is movably supported on the base;
- Including a biasing member (42) that urges the mount relative to the base to thereby urge the rollers into engagement with the rail;
- Wherein the biasing member comprises a spring;
- Wherein the biasing member urges the roller mount in a direction that resists lateral movement of the base relative to the guide rail;
- Including a roller (23) oriented generally perpendicular to the rollers supported on the roller mount.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harwood et al in view of Ravishankar (6,345,698).

Harwood et al are silent regarding a low-friction insert.

Attention is directed to Ravishankar who teaches his insert (32) as an alternative to the third wheel of Harwood et al to enable the use of roller guides in lieu of sliding guides in particular applications while maintaining a "throat clearance" as stipulated by industry for the promotion of proper braking (Col. 5, Lines 13 – 19).

It would have been obvious to one of ordinary skill in the art to modify the invention of Harwood et al with the teaching of Ravishankar to replace the roller guides with cost-effective, low-friction inserts in particular applications, while maintaining resistance to movement of the based in a direction perpendicular to the direction of lateral movement resisted by the biasing member, thereby assuring proper braking while simplifying the overall system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trakovenko et al (EP 0525 812 A2) is cited for reference of a guiding device associated with a cab, said device having a plurality of rollers on a common mount, said mount and rollers urged towards a common rail by a spring-biasing means whereby the guiding device automatically positions the cab relative to the rail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

25 September 2006


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600